

09/533,075
080184/99

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REMARKS

Applicant notes that the indication in the Office Action that "A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTHS FROM THE MAILING DATE OF THE COMMUNICATION", is erroneous. In a teleconference with Patent Supervisor, Mr. Robert H. Kim, on August 26, 2003 the expiration date of the period for response was discussed and since there is a statutory rejection on the merits, the Examiner agreed that the period for reply is 3 months from the mailing date of the Office Communication, rather than the indicated period of 2 months. He indicated such would be corrected in the PAIR system. Thus, a Petition and fee for a One Month Extension of Time is unnecessary.

Claims 20, 22, and 24-28 are all the claims presently pending in the application.

Applicant gratefully acknowledges the Examiner's indication that claims 20, 22, and 24-28 would be allowable if rewritten to overcome the rejection under §112, second paragraph. The claims have been amended above to overcome this rejection and place them into condition for allowance.

Entry of this §1.116 Amendment is proper. Since the amendments above narrow the issues for appeal and since such features were in the claims earlier, such amendments do not raise a new issue requiring a further search and/or consideration by the Examiner. As such, entry of this Amendment is believed proper and is earnestly solicited.

It is noted that the claims have been amended solely to more particularly point out Applicant's invention for the Examiner, and not for distinguishing over the prior art, narrowing the claim in view of the prior art, or for statutory requirements directed to patentability.

It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

In view of the foregoing, Applicant submits that claims 20, 22, and 24-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

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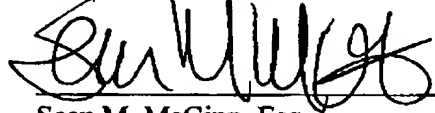
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Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A Conditional Petition for Extension of Time is hereby requested if necessary during the pendency of the above-identified application.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



Sean M. McGinn, Esq.

Reg. No. 34,386

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Date:

8/29/03

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NEC. 164 SUM/92b
 Attorney's Post Card Filing Receipt
 Serial Number: 89/533,015 Papers Filed On: 8/29/03

Attorney's Docket Number: 80184/99 ☒ Patent ☐ Trademark

Applicant's Name: Matsuyama, et al Application Filing Date: 3.22.00
 Papers Filed Herewith:

- ☒ Amendment ☐ Request for Extension of Time ☐ CPA Request
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief
☐ IDS ☐ 1449 Form w/ Documents ☐ Priority Document(s)
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts
☐ Other _____

Fees Filed Herewith: _____ ☐ Check ☐ Charge Deposit Account: _____

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NEC. 164 SUM/92b
 Attorney's Post Card Filing Receipt
 Serial Number: 89/533,015 Papers Filed On: 8/29/03
 Attorney's Docket Number: 80184/99 ☒ Patent ☐ Trademark
 Applicant's Name: Matsuyama, et al Application Filing Date: 3.22.00
 Papers Filed Herewith:
☒ Amendment ☐ Request for Extension of Time ☐ CPA Request
☐ Notice of Appeal ☐ Appeal Brief (in triplicate) ☐ Reply Brief
☐ IDS ☐ 1449 Form w/ Documents ☐ Priority Document(s)
☐ Assignment ☐ Recordation Cover Sheet ☐ Formal Drawings
☐ Drawing Corrections ☐ Issue Fee Transmittal ☐ Missing Parts
☐ Other _____

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